

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEJUAN OLIVER,

Plaintiff,

v.

ERIC BUCKBERRY,

Defendant.

Case No. 14-11367

Honorable John Corbett O'Meara

**ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION
AND MOTION FOR LEAVE TO FILE A REPLY BRIEF**

This matter came before the court on defendant Eric Buckberry's December 23, 2015 motion for reconsideration of the court's December 9, 2015 order denying his motion for summary judgment. The court ordered a response to the motion; and plaintiff Dejuan Oliver filed a response April 25, 2016.

On May 2, 2016, defendant Buckberry filed a motion for leave to file a reply brief. Local Rule 7.1 (h), however, does not provide for a reply to be filed. Therefore, it is hereby **ORDERED** that Defendant's motion for leave to file a reply brief is **DENIED**.

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by

which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

L.R. 7.1(h)(3).

In his motion for reconsideration, defendant Buckberry presents the same issues ruled upon by the court, either expressly or by reasonable implication. Accordingly, it is hereby **ORDERED** that defendant Buckberry's motion for reconsideration is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: July 26, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, July 26, 2016, using the ECF system.

s/William Barkholz
Case Manager